IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Bail Appl..No. 7050 of 2006()

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CMP.2388/2006 of J.M.F.C.-II, SULTHANBATHERY
Crime No.95/2006 of Sulthan Bathery Exchange Range

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PETITIONER/ACCUSED:

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E.S.VENU,
S/O.SRIDHARAN, AGED 36, ERATHEL (H),
BHOOTHANAM KAVALA, PULPALLY.

BY ADV. SRI.S.M.PRASANTH

RESPONDENT: COMPLAINANT:

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THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO.7050 of 2006

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Dated this the 30th day of November,2006

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner who is the sole accused in Crime No.95 of 2006 of Sulthan Bathery Excise Range for offences punishable under Sec.8(1) & (2) of the Abkari Act, for having been found in possession of 5 liters (50 packets) of Karnataka arrack on 7.11.2006, seeks his enlargement on bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This Application is accordingly dismissed.

V.RAMKUMAR,
JUDGE.

ess 30/11